

1 **DOUGLAS L. RAPPAPORT, ESQ. (SBN 136194)**

2 Law Offices of Douglas L. Rappaport
3 260 California Street, Suite 1002
4 San Francisco, California 94111
5 Telephone (415) 989-7900

6
7 Attorney for Defendant
8 **AVERY BADENHOP**

9
10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 AVERY BADENHOP, and
17 AULDEN BADENHOP,
18 a.k.a. Aulden Von Baden

19 Defendants.

Case No. CR 10-701 MMC
CR 10-MJ-71065 JL

STIPULATION AND
~~PROPOSED~~ ORDER
CONTINUING STATUS
HEARING AND EXCLUDING
TIME FROM MARCH 16, 2011
TO MAY 4, 2011 UNDER THE
SPEEDY TRIAL ACT

20
21 On February 2, 2011, the parties in this matter appeared before the Court for arraignment on
22 the Superseding Indictment. The Court set the matter for a status hearing on March 16, 2011 at 2:30
23 p.m. The parties jointly request that this Court continue the matter to May 4, 2011 at 2:30 p.m. for
24 status hearing, and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§
25 3161(H)(7)(A) and (B)(iv), from March 16, 2011 through May 4, 2011.

26 //

27 //

28 //

//

//

Defendants Avery Badenhop and Aulden Badenhop, and the government consent to the exclusion of time from March 16, 2001 through May 4, 2011 in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. § 3161. The parties represent that good cause exists for this exclusion, including the effective preparation and continuity of counsel. The parties agree that the failure to grant this continuance would unreasonably deny counsel for the defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See, 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by granting an exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

MELINDA L. HAAG
United States Attorney

DATED: _____

_____/s/_____
KEVIN BERRY
Assistant United States Attorney

DATED: _____

_____/s/_____
DOUGLAS L. RAPPAPORT
Attorney for AVERY BADENHOP

DATED: _____

_____/s/_____
STEVE KALAR
Attorney for AULDEN BADENHOP

//

//

//

//

//

//

~~PROPOSED~~ ORDER

For the reasons stated above, the Court hereby orders that the status hearing date of March 16, 2011 is continued to May 4, 2011 at 2:30 p.m. The Court also finds that an exclusion of time between March 16, 2011 through May 4, 2011 is warranted; that exclusion of this period from the time limits applicable under 18 U.S.C. § 3161 is warranted; that the ends of justice served by the exclusion under Section 3161 outweigh the interests of the public and the defendant in the prompt disposition of this criminal case, and that failure to grant the requested exclusion of time would deny counsel for the defendants the reasonable time necessary for the effective preparation and continuity of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

SO ORDERED.

DATED: March 15, 2011


THE HONORABLE MAXINE CHESNEY
United States District Judge